

EXTENSIONS OF REMARKS

THE SAFETY ADVANCEMENT FOR EMPLOYEES ACT [SAFE ACT]

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. TALENT. Mr. Speaker, I rise today to talk about the Safety Advancement for Employees Act [SAFE Act], a bipartisan bill introduced today that is designed to foster a partnership between OSHA and employees and encourage greater worker safety. In addition to the bill, the House Committee on Small Business prepared a paper entitled, "Why Workers Need Change: The SAFE Act," outlining why the need for change and how the SAFE Act can succeed where the big stick methods of OSHA have failed.

On any given day in the United States, 17 workers will die and 18,600 workers will be injured on the job. The fact is that many of these accidents occur not because employers don't care about worker safety; on the contrary, even the Federal Government estimates that 95 percent of employers are striving to create safe environments for workers. The problem lies with the adversarial posture of the Occupational Safety and Health Administration [OSHA], the Federal agency responsible for worker safety. Established by Congress in 1970, OSHA's mandate was to assure for all workers safe and healthful working conditions "by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment." The agency, however, has never seriously attempted to "encourage[e] employers and employees in their efforts" to create safe workplaces. Instead, OSHA operates according to a command and control mentality, issuing burdensome and often incomprehensible regulations which may not relate to worker safety, and are, in any event, only sporadically enforceable. Small wonder that, though OSHA has been in existence for 27 years and has generated tens of billions of dollars in compliance costs, there is a serious question whether it has improved worker safety at all.

For worksites to become safer, OSHA's ineffective, top-down approach must be overhauled. The agency in its present posture is simply incapable of handling the safety problems of millions of individual workplaces as America heads into the 21st century. As recognized by Vice President GORE, OSHA's system "doesn't work well enough." In short, OSHA can lead the country to better workplace safety; it cannot command the country into better workplace safety.

EMPLOYERS ARE DROWNING IN REGULATIONS

The sheer volume of OSHA regulations that employers are expected to read, understand, and implement is staggering. Many of the regulations bear no relationship to safety at the workplace. Others are so vague that discerning one correct interpretation is impossible. The result is that employers are left to fend for

themselves, wasting valuable time and money misinterpreting regulations and making work-site improvements that are either not required by OSHA or not related to workplace safety, or both.

PAPERWORK REQUIREMENTS ARE HUGE AND HAVE NO TANGIBLE SAFETY BENEFITS

Far and away the greatest number of citations are leveled against employers for OSHA paperwork violations. In 1994, the top 6—and 11 of 20—of the most-cited violations involved paperwork deficiencies. Employers are thereby forced to create more and more paper without tangible safety benefits. Meanwhile, as OSHA focuses its sights on paperwork, serious safety concerns go in uninspected. For example, in 1994 and early 1995, three-quarters of work-sites in the United States that suffered serious accidents had never been inspected by OSHA during this decade. In fact, even OSHA officials acknowledge that their inspectors "do not get to a lion's share of lethal sites until after accidents occur." The result is that incompetent or reckless employers go undeterred while good faith employers spend time and money on paperwork instead of safety.

SO MANY WORKSITES, SO FEW INSPECTORS

OSHA has only 2,451 State and Federal inspectors to regulate 96.7 million American workers. With a ratio of about one inspector to 3,000 worksites, Federal OSHA can currently inspect workplaces under its jurisdiction only once every 167 years. OSHA inspectors cannot possibly understand the safety and health concerns of worksites that they rarely visit. Nor can they have knowledge of workers' needs in industries as diverse as manufacturing plants, funeral homes, and restaurants.

A NEW OSHA REQUIRES A NEW APPROACH

The adversarial model that exists to regulate worker safety between OSHA and employers does not get the job done. Pitting the employer against the inspector, the current model fosters distrust and suspicion, flying in the face of true partnership efforts that are the key to worker safety. Both the Government and the private sector waste enormous resources on the struggle to catch employers in violation of regulations that no one believes will advance worker safety. No wonder that the current system has so little credibility in the private sector.

If we are to create a new OSHA, we must significantly change the culture that exists between employers and the agency—making them partners not enemies. It is not enough to threaten large fines for noncompliance when millions of safety-conscious employers don't know how to comply. Nor is it enough to weigh employers down with more compliance materials than they can possibly digest or understand.

The answer to achieving safer work environments is to encourage the 95 percent of employers who are concerned about worker safety and health to voluntarily seek expert advice on how to comply with OSHA's regulations and to implement and maintain the expert's recommendations. Creating true partnerships between employers and OSHA will empower

the honest employers to improve worker safety, while allowing OSHA to concentrate its enforcement on the 5 percent of employers who constitute the bad actors.

Vice President GORE strongly advocates using private sector OSHA compliance experts to help employers achieve greater worker safety. Acknowledging that OSHA "doesn't work well enough," because there are "only enough inspectors to visit even the most hazardous workplace once every several years," the Vice President has called on OSHA to rely on private inspection companies in its efforts to ensure the safety and health of America's workers. In this way:

[OSHA] would use the same basic technique the federal government uses to force companies to keep honest financial books: setting standards and requiring periodic certification of the books by expert financial auditors. No army of federal auditors descends upon American businesses to audit their books; the government forces them to have the job done themselves. In the same way, no army of OSHA inspectors need descend upon corporate America.

By creating partnerships with employers through the use of private sector compliance auditors, the "health and safety of American workers could be vastly improved."

THE SAFE ACT: THE SOLUTION FOR SAFER WORKPLACES

The Safety Advancement for Employees [SAFE] Act reflects a new partnership approach to worker safety. By encouraging employers to seek individualized compliance assistance from qualified third party auditors, the SAFE Act will ensure that more worksites are in compliance with OSHA, and more workers are protected. The SAFE Act does not waive any of OSHA's power to inspect workplaces, but it recognizes that employers who actively seek expert assistance to improve safety should not be treated as adversaries. Under the SAFE Act, employers can choose to enlist the aid of an entire field of compliance experts, thereby allowing OSHA to concentrate its resources on policing those worksites that truly need OSHA enforcement. The SAFE Act spells greater safety for workers and increased compliance by all employers.

REPORT FROM INDIANA—REV.

PAUL KNECHT

HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 30, 1997

Mr. MCINTOSH. Mr. Speaker, I rise today to deliver my report from Indiana. This week, I would like to share a special story of a dear and wonderful friend—Rev. Paul Knecht of Richmond, IN.

Reverend Knecht has recently retired after serving over 31 years as the executive director of Wernle Children's Home in Wayne County. Wernle Home is a dear place for both Ruthie and me. On many occasions we have visited our friends at Wernle. We've forged

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